

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SBJ IP HOLDINGS 1, LLC, §
§
Plaintiff, § Civil Action No.
v. §
§
NETFLIX, INC., AMAZON.COM, INC., § 2:07-CV-00120 (CE)
BARNESANDNOBLE.COM, LLC, and §
BORDERS GROUP, INC., §
§
Defendants. §

STIPULATION OF DISMISSAL WITH PREJUDICE

SBJ IP Holdings 1, LLC, Amazon.com, Inc., and Borders Group, Inc., pursuant to Fed. R. Civ. P. 41(a)(1)(ii) and (c), hereby move for an order dismissing all claims and counterclaims actually asserted in this action WITH PREJUDICE, subject to the terms and conditions of that certain agreement entitled "**PATENT LICENSE AND SETTLEMENT AGREEMENT**" and dated September 18, 2008, with each party to bear its own costs, expenses and attorneys fees.

Nothing herein is intended to or shall operate to preclude any subsequent lawsuit against Borders Group, Inc. with respect to United States Patent No. 6,330,592 for past, present, or future product(s), device(s), equipment, technology, service(s), method(s), system(s), apparatus, functionality, process(es), data or content not specifically accused in the instant case except to the extent such subsequent lawsuit were to accuse any past, present, or future product, device, equipment, technology, service, method, system, apparatus, functionality, process, data or content that is an Amazon Licensed Activities per that certain agreement entitled "**PATENT LICENSE AND SETTLEMENT AGREEMENT**" and dated September 18, 2008 ("Authorized Subsequent Lawsuit"). An

Authorized Subsequent Lawsuit against Borders Group, Inc. shall not be considered to be
“an action based on or including the same claim” as the instant case for purposes of Fed.
R. Civ. P. 41(d).

Respectfully submitted,



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